HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.20759 of 2005

Dated 22nd September, 2005

Between:

Katta Anitha .. Petitioner

And

The District Collector,

Nellore District and three others .. Respondents

HONOURABLE SRI JUSTICE K.C. BHANU

W.P.No.20759 of 2005

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the Proceedings in Rc.E.144/2005, dated 7.9.2005 issued by the 2nd respondent wherein, the petitioner's appeal was rejected, and also the action of the 1st respondent in not passing any order on the stay

petition filed along with the Revision on 17.9.2005 as arbitrary and illegal

The learned counsel for the petitioner has contended that though the petitioner raised several grounds in the appeal, the 2nd respondent-Joint Collector, without considering those grounds, passed the impugned proceedings rejecting the appeal which is in utter violation of principles of natural justice and also devoid of any reasons. For that proposition he relied upon a decision reported in ***The Seimens Engineering and Manufacturing Company Vs. The Union of India***.

The learned Government Pleaders appearing for the respondents have opposed this contention.

The learned counsel for the petitioner has rightly contended that though the petitioner has raised several grounds in the appeal, the 2nd respondent, without adverting to any of those grounds, passed the following order:

> *"Heard the arguments and perused the connected records. On perusal of records, it is noticed that the orders were passed by the R.D.O., Kavali suspending the authorization of the appellant. The show cause notice was issued to the appellant on 5.3.2005. The explanation was offered by the appellant on 12.3.2005 in response to the show cause notice, it is observed that the charge is quite severe in nature. In view of the above facts, the appeal filed is rejected and the R.D.O. is directed to finalize the proceedings within three weeks from the date of receipt of these orders, giving due opportunity to the appellant."*

In the decision (cited supra) which was relied upon by the learned counsel for the petitioner, it was held to the following effect:

> *"Then alone, administrative authorities and tribunals exercising quasi-judicial function will be able to justify their existence and carry credibility with the people by inspiring confidence in the adjudicatory process. The rule requiring reasons to be given in support of an order is like the principle of audi alteram partem, a basic principle of natural justice which must inform every quasi-judicial process and this rule must be observed in its proper spirit and mere pretence of compliance with it would not satisfy*

the requirement of law."

There is no doubt about the proposition of law whereunder even the administrative authorities and the tribunals exercising quasi-judicial functions have to justify their existence and record reasons. Therefore, the order must be supported by reasons. However, the petitioner herein already filed a revision before the 1st respondent on 17.9.2005. Therefore, he cannot be permitted to prosecute two parallel remedies in respect of the same cause of action.

Hence, the writ petitioner is disposed of with a direction to the 1st respondent to pass appropriate orders on the revision petition filed by the petitioner on 17.9.2005, within a period of three weeks from the date of receipt of a copy of this order. No costs.

22.09.2005

bcj

Note: Furnish copy in two days

b/o

bcj